

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7117

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WALTER LEE SADLER,

Defendant - Appellant.

No. 02-7408

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WALTER LEE SADLER,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CR-95-134, CA-02-334-3-V)

Submitted: November 7, 2002

Decided: November 14, 2002

Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

No. 02-7117 affirmed and No. 02-7408 dismissed by unpublished per curiam opinion.

Walter Lee Sadler, Appellant Pro Se. Brian Lee Whisler, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Walter Sadler contests both the denial of several motions he filed following the issuance of a warrant for his arrest for violations of his supervised release and the dismissal without prejudice of his motion under 28 U.S.C. § 2255 (2000) as successive. For the following reasons, we affirm the district court's orders in No. 02-7117 and dismiss the appeal in No. 02-7408.

In No. 02-7117, Sadler challenges the denial of his motions requesting appointment of counsel, a bond hearing, and the dismissal of the supervised release violation charge. However, the record indicates there was sufficient probable cause for the district court to find Sadler violated his supervised release, to issue a warrant for his arrest, to have him detained pending a hearing on those charges. See 18 U.S.C. § 3606 (2000). Further, because the district court had not yet scheduled a hearing, Sadler's request for appointment of counsel was premature. Accordingly, we affirm the district court's order denying those motions.

In No. 02-7408, Sadler seeks to appeal the district court's order dismissing his § 2255 motion filed subsequent to his arrest for violating the terms of his supervised release. We have reviewed the record and conclude for the reasons stated by the district court that Sadler has not made a substantial showing of the denial

of a constitutional right. See United States v. Sadler, Nos. CR-95-134; CA-02-334-3-V (W.D.N.C. July 10, 2002). Accordingly, we deny a certificate a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 02-7117 - AFFIRMED

No. 02-7408 - DISMISSED